

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA *ex rel.*
SARAH BEHNKE,

Plaintiff,

v.

CVS CAREMARK CORPORATION *et*
al.,

Defendants.

Civil Action

No. 14-cv-824

ORDER

AND NOW, this 25th day of June, 2025, following a bench trial and review of the trial record, and upon consideration of Relator's Proposed Findings of Fact and Conclusions of Law (ECF Nos. 480, 487), Defendants' Proposed Findings of Fact and Conclusions of Law (ECF Nos. 479, 488), the Parties' Responses thereto (ECF Nos. 482, 483, 489, 490), all other post-trial submissions, and for the reasons set forth in the accompanying Memorandum Opinion, I find as follows:

1. Relator has met her burden of proof on her presentment and false statement claims (Counts I and II). Relator has not met her burden on her reverse false claim cause of action (Count III).
2. Relator has met her burden on liability under Counts I and II as it relates to:
 - a. Falsity as to Caremark's Relationship with Walgreens and Rite Aid;
 - b. Materiality;
 - c. Causation;
 - d. Scierter;

3. Relator has not met her burden on liability as it relates to:
 - a. Falsity as to Caremark's Relationship with CVS Pharmacy;
 - b. CVS Health Corporation's liability;
4. Defendants' Motion for Judgment as a Matter of Law (ECF No. 459) is **DENIED**;
5. Relator has proven pre-trebling and pre-statutory penalty damages in the amount of \$95,000,000;
6. The following schedule shall govern the Parties' briefing on the issue of trebling and statutory penalties:
 - a. The Parties **SHALL** file opening briefs on the issue of trebling and statutory penalties **no later than July 9, 2025**;
 - b. The Parties **SHALL** file responsive briefs **no later than July 16, 2025**.

BY THE COURT:

/s/ Mitchell S. Goldberg
MITCHELL S. GOLDBERG, J.